

COASTAL CONSERVANCY

Staff Recommendation
April 24, 2008

SAN BRUNO MOUNTAIN HABITAT ACQUISITION:

BRISBANE ACRES III

File No. 07-114-01
Project Manager: Michelle Jespersen

RECOMMENDED ACTION: Authorization to disburse up to \$242,500 to the City of Brisbane to acquire five parcels within Brisbane Acres, an unrecorded subdivision located on the upper slopes of San Bruno Mountain in the City of Brisbane.

LOCATION: Brisbane Acres is located on the upper slopes of San Bruno Mountain, below and adjacent to San Bruno Mountain State and County Park, west of Highway 101 and east of Highway 280 in northern San Mateo County (Exhibit 1).

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Photographs of the Project Area](#)

Exhibit 3: [Letters of Support](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31161-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred forty-two thousand five hundred dollars (\$242,500) to the City of Brisbane to acquire five parcels of Brisbane Acres (the “properties,” City of Brisbane Assessor Parcel Numbers 007-481-050, 007-490-090, 007-490-100, 007-502-070, 007-502-100), an unrecorded subdivision located on the upper slopes of San Bruno Mountain in the City of Brisbane. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the City of Brisbane shall submit for review and approval of the Executive Officer of the Conservancy (“Executive Officer”):

- a. All relevant acquisition documents, including but not limited to the appraisal, escrow instructions, title reports and documents of title necessary to the purchase of the Brisbane Acres properties.
 - b. A signing plan acknowledging Conservancy funding, to be sited on or near the properties in a location that is open to the public.
2. City of Brisbane shall pay no more than fair market value for the properties acquired, as established in an appraisal approved by the Executive Officer.
3. The City of Brisbane shall permanently dedicate the properties, by recording an offer to dedicate (“OTD”), or other instrument acceptable to the Executive Officer, that permanently dedicates the properties for open space, wildlife and habitat preservation.
4. Within a reasonable time following acquisition of the properties, the City of Brisbane shall incorporate the properties into its existing vegetation management plan for the Brisbane Acres in a manner that is consistent with the purposes for which the parcels are being acquired.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.
2. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code regarding the protection of natural habitats and resources of regional importance within the San Francisco Bay Area.

PROJECT SUMMARY:

Staff requests authorization to disburse up to \$242,500 to the City of Brisbane (“City”) for the acquisition of five parcels totaling 6.4 acres in the Brisbane Acres. Protection of these properties is a high priority because they contain habitat for two federally listed endangered species: the Mission Blue butterfly (*Icaricia icarioides missionensis*) and Callippe silverspot butterfly (*Speyeria callippe callippe*). The properties proposed for acquisition, lots 75A, 76, 77, 94 and 97 of the Brisbane Acres (See Exhibit 1), are located adjacent to and contiguous with the existing San Bruno Mountain State and County Park and protected open space lands owned by the City of Brisbane.

Acquisition of these properties would complement the 40.6 acres of existing protected lands in the Brisbane Acres that the City has acquired since 1998 using a combination of funds from the Conservancy, US Fish and Wildlife, and City of Brisbane. The Conservancy previously matched the City’s acquisition funds to complete the purchase of three parcels in 2001 and two parcels in 2004 (see the Project History section below).

Acquisition of the three westernmost parcels proposed here (75A, 76, 77) would complete acquisition of the nearly pristine upper Costanos Canyon and the other two proposed parcels (94 and 97) are strategic in that they would bring the City within one parcel of completing protection

of the upper Firth Canyon between the east and western blocks of protected parcels. The City has already entered into purchase agreements with the owners of these parcels, contingent on the receipt of funds from the Conservancy.

Most of the land on San Bruno Mountain, including Brisbane Acres, is included within the San Bruno Mountain Habitat Conservation Plan (HCP). Brisbane Acres is designated as an “Unplanned Parcel” in the HCP, meaning that no specific conservation measures are set forth in the HCP for that area; however, the HCP policy for Brisbane Acres calls for 40 percent of the area to be preserved as conservation habitat. While permits for development, granted in accordance with the HCP, require a portion of each parcel be set aside for habitat preservation, development of the existing one-acre lots within Brisbane Acres (generally each lot has a separate owner) would result in fragmentation of the habitat, severely limiting the chances for recovery of the endangered butterflies. Fortunately, inadequate infrastructure and steep slopes have kept most of the 154-acre Brisbane Acres in its natural state. Even still, development pressure is high because the project area is one of the very few undeveloped residentially-zoned areas remaining on the San Francisco peninsula. Acquisition of the five proposed parcels does not count towards the “40 percent” HCP requirement; and, therefore, they would add to the existing valuable habitat protected in this area and prevent habitat fragmentation. This project would therefore protect the integrity of the existing habitat by enlarging the contiguous Brisbane Acres properties already in public ownership that connect to the San Bruno Mountain State and County Park.

After acquisition, the City would add these parcels to its ongoing vegetation management program that includes tracking of invasives, eradication, and control. The City would work with a local non profit organization, San Bruno Mountain Watch, to implement control measures to stop the spread of invasive species like French broom and eucalyptus, and restore and maintain the habitat for the Mission blue and Callippe silverspot butterflies.

Site Description:

Brisbane Acres is located on the San Bruno Mountain, which is a major landform on the bayside of the San Francisco Peninsula south of Candlestick Point. The mountain exists in a unique combination of climate, geography, and topography that now contains a variety of rare, endangered and unique species including the Mission blue butterfly, Callippe silverspot butterfly, the San Bruno elfin butterfly and the rare host plants that the butterflies depend on to survive: three species of lupine – *albifrons*, *formosus*, and *varii-color* – *sedum spathulifolium*, a succulent, and *viola pedunculata*, also known as the Johnny-jump-up. E.O. Wilson ranked the San Bruno Mountain as one of the world’s 18 biodiversity “hot spots” in his 1992 book, *The Diversity of Life*. This is in large part due to the fact that the mountain is an island of open space in the midst of a densely developed area. Approximately one million people live within ten miles of San Bruno Mountain. From the mountain’s summit, one can see as far as the Farallon Islands, the Golden Gate and Marin Headlands, and Mount Diablo.

The Brisbane Acres is a largely undeveloped area within the city limits of Brisbane, adjacent to the northeastern boundary of San Bruno Mountain State and County Park. Brisbane Acres contains nearly two percent of the Mission blue population and over 10 percent of the Callippe silverspot population found on San Bruno Mountain. The sites proposed for acquisition contain grassland and host plants including the silver mat lupine (*abliforns*), varied lupine (*variicolor*),

and Johnny jump-up (*viola pedunculata*). The Mission Blue and Callippe silverspot butterflies have been recorded on or near the subject parcels. In addition, this area is home to two rare plant species, the San Francisco wallflower (*Erysimum franciscanum*) and the Diablo sunflower (*Helianthella castanea*) though there have been no confirmed sightings of these plants on the parcels proposed for acquisition. Most of the land on San Bruno Mountain, including the Brisbane Acres, is included within the San Bruno Mountain Habitat Conservation Plan (HCP), a plan which provides for the protection and enhancement of the habitat of federally listed endangered species while allowing limited development in certain permitted areas. The proposed acquisitions together with previous acquisitions within the Brisbane Acres and the State and County Park will create approximately 2,386 acres of contiguous habitat on the San Bruno Mountain.

Project History:

The proposed acquisition will add to the 40.6 acres of existing protected lands that the City has acquired in Brisbane Acres since 1998. The Conservancy and the U.S. Fish and Wildlife Service have previously assisted the City with the purchase of parcels with high habitat value. On June 25, 2001 the Conservancy authorized a 50/50 matching grant to the City for the acquisition of three acres. On May 27, 2004, the Conservancy authorized another matching grant to the City for the acquisition of two one-acre parcels.

The Conservancy has also assisted with the restoration of endangered and threatened butterfly habitat on San Bruno Mountain. On February 22, 2001 the Conservancy authorized \$144,170 to assist the County of San Mateo and San Bruno Mountain Watch (SBMW) to restore 317 acres of valuable butterfly habitat. The County and SBMW successfully completed the project, removing invasive plants to restore valuable habitat in several locations on the mountain. On January 23, 2003 the Conservancy authorized another \$85,000 to assist SBMW to restore endangered butterfly habitat on five new tracts, maintain existing restored habitat on San Bruno Mountain, and support public outreach. SBMW is currently undertaking this project in collaboration with the County, the mountain's habitat conservation manager, and other partners. SBMW is also expanding its volunteer and public outreach program to support continued restoration in the future.

Finally, in December 2007, the Conservancy awarded a \$38,122 grant to San Mateo County Parks and Recreation as part of the 2007 San Francisco Bay Area Community-based Educational, Environmental Restoration and Trail Project grants. The \$38,122 grant will fund the San Bruno Mountain Volunteer Trail Project where community volunteers will do hands-on trail work to rehabilitate two seriously neglected trails at San Bruno Mountain.

PROJECT FINANCING:

Coastal Conservancy	\$242,500
City of Brisbane	<u>\$244,500</u>
Total Project Cost	\$487,000

The Conservancy's contribution of \$242,500 is expected to come from the San Francisco Bay Area Conservancy Program's FY 2002/03 appropriation from the "California Clean Water,

Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002” (Proposition 40), which was re-appropriated in FY 05/06. This proposed authorization is consistent with the funding source because this project would result in the acquisition and protection of land and water resources, and includes a commitment for a 50 percent matching contribution.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapter 4.5 of the Conservancy’s enabling legislation, Public Resources Code Sections 31160-31165, which authorizes the Conservancy to undertake projects and award grants in the San Francisco Bay Area to public and private agencies and organizations.

The parcels proposed for acquisition are within San Mateo County, one of the nine counties which make up the San Francisco Bay Area, as described in Section 31162 of the Public Resources Code. Consistent with Section 31162, this project will facilitate the protection, restoration, and enhancement of natural habitats of regional significance and habitat for federally and state listed butterfly species. Furthermore, the acquisition of these properties will prevent fragmentation of adjacent protected sites, and facilitate restoration of the larger contiguous area of important habitat, and increase the open space resources on San Bruno Mountain.

This project is consistent with Section 31162(c), in that it assists in the implementation of the policies and programs of the adopted plans of local governments. Acquisition will implement the goals and policies of the City of Brisbane Open Space and Conservation Elements of the General Plan that identify Brisbane Acres as the highest priority for preservation. The acquisition will also assist in achieving the goals of the San Bruno Mountain Habitat Conservation Plan.

This project is consistent with Section 31163(a), as discussed in the Conservancy’s Strategic Plan Goals and Objectives. Furthermore, these acquisitions are from willing sellers who have entered into Agreements to Purchase with the City of Brisbane.

This project is appropriate for prioritization under the selection criteria set forth in § 31163(c) in that: (1) it is consistent with the San Bruno Mountain Habitat Conservation Plan and the City of Brisbane Open Space and Conservation Elements of the General Plan; (2) it results in coordination of preservation and enhancement of endangered butterfly habitat with the San Bruno Mountain State and County Park and with the several jurisdictions that are part of the San Bruno Mountain Habitat Conservation Plan area; (3) it will be implemented in a timely manner as escrow is scheduled to close in July 2008; (4) the properties may be lost to development if not acquired for habitat preservation; and (5) the proposal includes matching funds from the City of Brisbane equal to 50 percent of the total project cost.

**CONSISTENCY WITH CONSERVANCY’S 2007
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 10, Objective D** of the Conservancy’s 2007 Strategic Plan, the proposed project will result in the acquisition of 6.4 acres that are contiguous with existing protected endangered butterfly habitat on San Bruno Mountain.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on September 20, 2007, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project is supported by San Bruno Mountain Watch, the California Native Plant Society, Friends of San Bruno Mountain, San Mateo County, Senator Leland Yee, and Assemblyman Gene Mullin (see Exhibit 3).
4. **Location:** Brisbane Acres is located in San Mateo County, one of the nine counties in the San Francisco Bay Area and thus is within the jurisdiction of the San Francisco Bay Area Conservancy Program.
5. **Need:** Without the Conservancy's assistance, the City of Brisbane could not purchase these sites for permanent protection and restoration. The Agreements for Purchase that the City has entered into with the property owners are contingent on Conservancy authorization of funds.
6. **Greater-than-local interest:** Acquisition of these five parcels will provide habitat for two endangered species of butterflies that are of national and state interest. This acquisition will contribute to the protection and recovery of the endangered and threatened Mission blue and Callippe silverspot butterflies. In addition, this area is considered a key area for biodiversity protection due to its unique combination of climate and geography, the rare, threatened and endangered plants and animals that live there, and the threats from development that this area faces.

Additional Criteria

7. **Urgency:** Brisbane Acres is one of a few undeveloped, residentially zoned, and scenic areas with close proximity to San Francisco and northern San Mateo County; therefore, pressure to develop these parcels is very high.
8. **Resolution of more than one issue:** Acquisition of these parcels will prevent these sites from being developed. Development of these lots would fragment habitat for the endangered Mission blue and Callippe silverspot butterflies and reduce recovery efforts made to date. Acquisition of these parcels will also enable the City to implement control measures to stop the spread of invasive plants that threaten the viability of habitat for these endangered species.
9. **Leverage:** See the "Project Financing" section above.
10. **Readiness:** The City has entered into Agreements of Offers to Purchase with the property owners. All parties to the agreements are prepared to move forward to close escrow in July.

11. **Realization of prior Conservancy goals:** See “Project History” above.
12. **Cooperation:** The landowners are willing sellers. Also, most of the land on San Bruno Mountain, including Brisbane Acres, is part of the San Bruno Mountain Habitat Conservation Plan (HCP), a cooperative effort between San Mateo County, the cities of Brisbane, Daly City, and South San Francisco, the US Fish and Wildlife Service, the California Departments of Fish and Game and Parks and Recreation, and the major landowners on the mountain to protect and enhance the habitat for federally listed endangered species while allowing for limited development in designated areas. The public agencies involved with the HCP effort support management of these parcels considered here for purchase to achieve the conservation goals of the HCP.

COMPLIANCE WITH CEQA:

The acquisition of the Brisbane Acres parcels is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) because it consists of the acquisition of interest in land for wildlife conservation purposes (14 Cal. Code of Regulations Section 15313). Staff will file a Notice of Exemption following Conservancy authorization.